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 Visa U.S.A. Inc.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

RANDALL JASPERSON d/b/a JASPERSON)
 SOD SERVICE, on behalf of himself and all)
 others similarly situated,)

Plaintiffs,)

v.)

VISA U.S.A., INC. and MASTERCARD
 INTERNATIONAL, INC.,)

Defendants.)

Case No. C05-2996 MMC

**STIPULATION AND [PROPOSED]
 ORDER TO EXTEND TIME OF ALL
 DEFENDANTS TO MOVE, ANSWER,
 OR OTHERWISE RESPOND TO
 COMPLAINT, AND CONTINUE ALL
 OTHER PRETRIAL DEADLINES**

CIVIL LOCAL RULE 6-2

Date: N/A

Time: N/A

The Honorable Maxine M. Chesney

Plaintiff Randall Jasperson d/b/a Jasperson Sod Service ("Plaintiff"), and Defendants Visa U.S.A. Inc. ("Visa"), and MasterCard International Incorporated ("MasterCard"), through their respective counsel, stipulate, pursuant to Civil Local Rule 6-2, to extend the time for all defendants to move, answer, or otherwise respond to the complaint, and to continue all other pretrial deadlines in the above-captioned action. Defendants Visa and MasterCard are collectively referred to herein as "Defendants." In support of this request, Plaintiff and Defendants stipulate as follows:

WHEREAS, on July 26, 2005, plaintiffs in another case pending in this Court filed a Motion for Transfer Under 28 U.S.C. § 1407 Before the Judicial Panel on Multidistrict Litigation, seeking

1 to create a new MDL proceeding in this Court and coordinate both cases pending in this Court with
2 a case pending in the Northern District of Georgia;

3 WHEREAS, on July 29, 2005, Defendants, together with additional defendants named in
4 similar cases not before this Court, filed a separate Motion for Transfer Under 28 U.S.C. § 1407
5 Before the Judicial Panel on Multidistrict Litigation, seeking to transfer this case, along with 13
6 others pending in four district courts across the country, to the Northern District of Georgia, and
7 create a new MDL proceeding;

8 WHEREAS, Defendants oppose plaintiffs' Motion for Transfer;

9 WHEREAS, Plaintiff opposes Defendants' Motion for Transfer;

10 WHEREAS, Plaintiff and Defendants would like to minimize the burdens on the parties and
11 this Court through an extension of all deadlines in this action until final resolution of the Motions
12 for Transfer by the Judicial Panel on Multidistrict Litigation;

13 WHEREAS, one previous extension has been granted in this case until September 8, 2005
14 for Defendants to move, answer or otherwise respond; and

15 WHEREAS, Plaintiff and Defendants agree that this Joint Stipulation is submitted without
16 prejudice to, or waiver of, any defenses that Defendants may have to this action;

17 NOW THEREFORE, the Parties hereby stipulate and agree as follows:

18 1. To the extent that any served or subsequently served defendant is required to move,
19 answer, or otherwise respond to the complaint in this action, the deadline for doing so shall be 60
20 days after an order from the Clerk of the Judicial Panel on Multidistrict Litigation deciding the
21 pending, as well as any subsequently filed, Motions for Transfer. If the Clerk of the Judicial Panel
22 on Multidistrict Litigation issues separate orders on different days with respect to the Motions for
23 Transfer, the date of the latest order will control.

24 2. All other pretrial deadlines, including the time period in which to conduct the
25 parties' planning conference under Federal Rule of Civil Procedure 26(f), shall be continued in this
26 action until 60 days after:

27 (i) an order from the Clerk of the Judicial Panel on Multidistrict Litigation
28 transferring this action to another District Court is filed with the Clerk of the

Northern District of California pursuant to Rule 1.5 of the Rules of Procedure for the Judicial Panel on Multidistrict Litigation, thereby effecting transfer; or

(ii) an order from the Clerk of the Judicial Panel on Multidistrict Litigation creating an MDL proceeding in the Northern District of California, and coordinating this case therewith, is filed with the Clerk of the Northern District of California pursuant to Rule 1.5 of the Rules of Procedure for the Judicial Panel on Multidistrict Litigation; or

(iii) the Judicial Panel on Multidistrict Litigation issues an order or orders denying all Motions for Transfer (if all motions are denied, but in separate orders not issued on the same day, the date of the later order will control).

1 SO STIPULATED:

ARNOLD & PORTER LLP

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3 Dated: September 6, 2005

4 By:


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1 SO STIPULATED:

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3 Dated: September 2, 2005

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1 SO STIPULATED:

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2 Dated: September 2, 2005

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17 PURSUANT TO STIPULATION, IT IS SO ORDERED.

18 Dated: September 7, 2005

19 
20 Hon. Maxine M. Chesney